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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,122	08/25/2000	John G. McDonough	TI-31713	6348
23494	7590 12/24/2003		EXAMI	NER
TEXAS INSTRUMENTS INCORPORATED			CORRIELUS, JEAN B	
P O BOX 655474, M/S 3999 DALLAS, TX 75265		ART UNIT	PAPER NUMBER	
			2631	
			DATE MAILED: 12/24/2003	12

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Op/848,122 MCDONOUGH ET AL.							
## Examiner Jean B Corrielus 2631 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address **Period for Reply** A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ■ Enterseons of time rays period above. The maintain statutory period (3) CSR* 130(s), in no event, however, may a reply be limitly filled. ■ If NO period for reply a serulisate under the provisions of 3) CSR* 130(s), in no event, however, may a reply be limitly filled. ■ If NO period for reply a specified above, the maintains statutory period will apply and will expire SX (8) MONTHS from the realiting date of this communication. This period for reply a specified above, the maintains statutory period will apply and will expire SX (8) MONTHS from the realiting date of this communication. This period for reply a specified above, the maintains after the mailing date of this communication, even if timely filled, may reduce any security of the second year. The specified above, the maintains after mailing date of this communication, even if timely filled, may reduce any secured years of the second year. The specified above, the maintains after the mailing date of this communication, even if timely filled, may reduce any secured years of the second years of the second years. The specified to provide the second of the second years of the second years of the second years of the second years. The second years of the second years of the second years of the second years of the second years. The second years of the second years of the second years of the years of years of the years of the years of the years of years of the years of years		Application No.	Applicant(s)				
Jean B Corrielus Z631	Office Action Commons	09/648,122	MCDONOUGH ET AL.				
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1) Responsive to communication(s) filed on <i>Q4 November 2003</i> . 2a) This action is FINAL . 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) <i>1-31</i> is/are pending in the application. 4a) Of the above claim(s)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 						
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Application/Control Number: 09/648,122

Art Unit: 2631

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-13 and 22-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "the accepted combiner channel assignments", last line, lacks of proper antecedent basis.

Claim 22, line 6, recites "the soft symbols" there is no antecedent basis for such limitation as claimed. The same comment applies claim 23, line 6.

Note that any claim whose base claim is rejected is likewise rejected.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 2631

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 14 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar et al US Patent No. 6,097,954.

Kumar discloses a system, see for instance figs. 4 and 5, having a plurality of demodulator fingers (42-1)-(42-n), each having an input for receiving a sample stream from antenna 34, an output (a soft decision output) to supply a combined signal (soft symbols) associated with demodulated information channels at the output of combiner 43 and a second output for supplying pilot channel signals considered as the claimed (channel assignment output) for associated output signals (soft symbols) see fig. 5 and col. 4, line 53-col. 5, line 13.

Allowable Subject Matter

- 5. Claims 15-21 are allowed over the prior art of record.
- 6. Claims 2-13 and 23-31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Application/Control Number: 09/648,122 Page 4

Art Unit: 2631

Response to Arguments

7. Applicant's arguments with respect to claims 1, 14 and 22 have been considered but are most in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is (703) 305-4023. The examiner can normally be reached on Monday-Thursday from 7:00 A.M. to 5:30 P.M.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Primary Examiner

TC-2600. 12-17-03